

CUSTOMER NO. 044341

ITW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Richard J. Garelick, Charles J. Hauck and Robert A. Riemenschneider

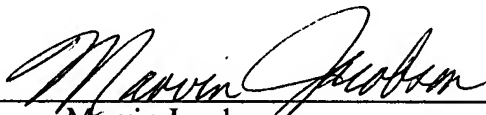
Serial No.: 10/802,310

Examiner: Stephen P. Avila

Filed: March 18, 2004 Group: 3617 Attorney Docket No. 5793

For: BOARDING LADDER MOUNTING APPARATUS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on MARCH 14, 2005 by applicant's attorney, Marvin Jacobson.


Marvin Jacobson

3-14-05

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is in response to the Official Action of February 16, 2005.

Reexamination and reconsideration of this application are respectfully requested.

The rejection of claims 1-4 for obviousness under 35 U.S.C.103 on the combination of Krish and Friedrich is respectfully but strenuously traversed. There is no question but that the devices described in the respective Krish and Friedrich patents relate to a manner of hingedly attaching a device, a platform in Friedrich and a boarding ladder in Krish, to the hull or the like of a boat or water vehicle. It is difficult to comprehend the manner, as stated by the Examiner, in which Friedrich would be combined with Krish to arrive at the invention as described and claimed in the instant application. The Examiner alleges that Krish has a "mounting bracket" comprising Items 16, 18 and 24 (Item 22 would also have to be included) Krish does not allude to this as a "mounting bracket" neither would anyone of ordinary skill in the art. Further, as described and as now claimed, the mounting bracket 11 of the instant application which the Examiner has presumably found in Krish comprises a back plate 8 and a front plate 14 with the front plate resting on the back plate.

Further, according to the Examiner, it would be obvious to combine Friedrich with Krish by having Friedrich's planar latch 44 engaging with Krish's so-called "mounting bracket". But where is the incentive or the teaching for arriving at this combination? Further, it is impossible to see how it would work. But even more importantly, the claims call for the bracket to comprise a pair of plate members and the claims as amended herein more specifically describe the front plate member as resting against and being attached to the back plate member and further the front plate member having a slot with the planar latch releasably engaged with said slot, none of which is found in either Krish or Friedrich nor in the combination of the two. Admittedly Friedrich alone has a bracket attached to the hull or bow of the boat and has an arm which supports his platform which is pivotally attached to the bracket for swinging the platform up and down as desired. But Friedrich's arm 42 is not releasably engaged with his bracket 14 nor is bracket 14 structurally or functionally the same or equivalent to bracket 11 of the instant application as presently described and claimed.

Since neither Friedrich nor Krish alone or in combination teach the invention as recited in claims 1-4, the addition of Suiter to the combination of Krish and Friedrich does not reach the standard to support a rejection of dependent claims 5-7 for obviousness under 35 U.S.C. 103.


Applicant acknowledges the additional prior art made of record and agrees with the Examiner that they are not pertinent to the instant invention as described and claimed.

Applicant thanks the Examiner for noting the double periods at the end of claim 3 and has amended the claim to remove one of the periods.

In view of the foregoing, it is submitted that the application is now in condition for allowance and an early notice to that effect is respectfully requested.

Respectfully submitted,

JACOBSON AND JOHNSON

By 

Marvin Jacobson, Reg. No. 20,196

Attorneys for applicant

One West Water Street, Suite 285

St. Paul, MN 55107-2080

Telephone: 651-222-3775

Fax: 651-222-3776